

DCFS Weekly Update From the State Office

Friday, February 16, 2001

From My Perspective

By Ken Patterson

Linda Wininger has been updating you on the progress of certain bills throughout the session; however, there is one bill that is exceptionally negative toward DCFS staff and I want to give you some background and update you on what we are doing to have it stopped or reconsidered.

House Bill 83 is blandly titled "Child Welfare Amendments." It is not a bill that was developed by the Division or that we sought any sponsorship of. Representative Wayne Harper is the sponsor. His bill, as originally written, was intended to do two things. It would require that if DCFS removes a child from their home that we must also establish that other minor children living in the same home "may not be removed unless that minor is also deemed to be at substantial risk of being physically or sexually abused." In essence, Rep. Harper wanted to tighten up the way that the law viewed "siblings at risk." The bill also amended SAFE by requiring that unsubstantiated referrals "drop off" from SAFE in five years instead of the present 10.

House Bill 83 passed the House easily and then went to the Senate Human Services Committee. At the Senate Committee Senator Steve Poulton introduced a substitute bill that added language that would limit the immunity of child welfare social workers. Although all government employees are not immune from personal liability if they are intentionally fraudulent or intentionally misrepresent information in carrying out their duties, Sen. Poulton's substitute bill would be the first time that a single group of employees are targeted.

I have written directly to Sen. Poulton asking him to reconsider his position. I have also had two brief meetings with Sen. Poulton. His motivation for bringing this language seems to stem from a case that went on for about six years and covered three regions. The case featured a stepmother coercing her stepchildren to make false reports. Of course it took several years for this all to come to light, and by then bad information had been acted on by private therapists, the divorce court, and the juvenile court. I pointed out to Sen. Poulton our improved record of resolving disputes with consumers (36% decline in OCPO referrals in the past three years) but so far he's not budging.

I have also met with the original sponsor and other Senators to ask that the substitute bill be withdrawn or comprehensively amended. A second substitute bill has been drafted and introduced in the Senate, but it provides no improvement. There is some rumor of a third substitute bill that will go to the Senate floor, but so far we haven't seen it. Our principle argument is that your job is tough enough already and that people are not always truthful in making reports of maltreatment. We expect you to do the work with the utmost of integrity, but we don't expect you to be singled out for the difficulty of judgments that you are required to make. We know that in many of your cases at least one person might leave disappointed or angry about a decision. And we don't want to see the statute invite litigation against you or our organization as an expression of that anger.

The current content of House Bill 83 is clearly and actively opposed by the Department of Human Services, the Division of Child and Family Services, and Utah Children. Utah Children has been sending out legislative alerts to their members on this bill asking that it be stopped on the Senate floor. We will keep you posted.

Legislative Update

By Linda Winingar

Here is the latest on the Legislative Front. We had a few surprises this week so it should be worthwhile reading.

SB 33, Mental Health Services for Foster and Adopted Children Task Force—No change on the status of this bill. It is still in the House Rules Committee.

1SSB 64, Adoption Law Amendments—This bill was signed by the Speaker of the House and will now be signed by the President of the Senate. Then it will be enrolled and sent to the Governor for his signature.

SB 71, Tax Credits for Special Needs Adoption—This bill has been substituted. The First Substitute Senate Bill 71 decreases the original credit amount to \$2500 and expands the number of years for the credit to four years. It is on the Senate third reading calendar.

SB 91, Child Firearm Access Prevention—This bill is still in the Senate Rules Committee.

1SSB 97, Special Needs Adoption—This bill was passed out of the Senate last week and will be heard in the House Health and Human Services Committee on Feb. 19 at 8:00 a.m.

SB 111, Conflict of Interest Investigation into Allegations of Child Abuse and Neglect—Done.

SB 117, Guardian ad Litem Amendments—This bill is on the Senate third reading calendar.

SB 119, Child Welfare Amendments—This bill will be heard in the House Health and Human Services Committee on Feb. 19 at 8:00 a.m.

SB 136, Parenting Plan for Divorcing Parents—This bill will be heard before the House Judiciary Committee on Feb. 19 at 8:00 a.m.

SB 153, Kinship Placement for Foster Children—This bill is on the Senate third reading calendar.

SB 165, Non-custodial Visitation—This bill has passed both Houses and is in the enrollment process.

1SHB 12, Provision for the Legal Relinquishment of Newborns—This bill will be heard in the Senate Judiciary Committee next week.

HB 31, Child Welfare Oversight Panel Amendments—Done.

HB 33, Clarification of Time Limits for Reunification Services—Done.

HB 64, Tuition Waivers for Wards of the State—The Senate has tabled this bill on the third reading calendar. I believe that the Senate is tabling all bills with a fiscal impact over a certain amount so that they can then prioritize them.

HB 83, Child Welfare Amendments—The changes continue on this bill. We are in the process of negotiations. There was a Second Substitute proposed by Senator Bill Wright that took out some of the scary parts but not enough. It also added language that would further narrow the grounds for the removal of a child. There are still parts of the bill that we are not comfortable with. Currently the bill has been circled on the Senate second reading calendar. STAY TUNED!

HB 117, Amending the Grounds for Taking a Child into Protective Custody—This bill passed the House and has been sent to the Senate. It will be heard next week in the Senate Judiciary Committee.

HB 147, Modification of Termination of Parental Rights—There is still NO TEXT for this bill.

HB 148, Child Welfare Alternative Dispute Resolution—This bill passed the House. It will now be heard in the Senate. Currently it is waiting for a Senate committee assignment.

1SHB 170, Prescribing Psychiatric Drugs or Medication—This bill passed the House and is now waiting for an assignment to a House committee.

HB 188, Juvenile Courts—Rights of the Parties—This bill has been held in the Senate committee. This usually happens when the sponsor isn't there or when the committee runs out of time.

HB 219, Task Force on Family Conflict Resolution—This bill failed in the Senate Human Services Committee but will be heard by that committee again on Feb. 19 at 4:00 p.m. in room 416. The sponsor has asked that it be reconsidered.

HB 224, Notice and Reasonable Efforts for Children in Custody on Grounds Other than Abuse or Neglect—This bill is in the enrollment process.

HB 225, Foster Parent Child Protective Service Investigation Amendments—This bill was read for the third time in the House. It would normally now be sent on to the Senate; however, it is identical to SB 111 which just passed the House and is now beginning the enrollment process. It is possible that this bill will go no further. We will know next week.

HB 232, Certified Child Welfare Social Service Worker—This bill has passed the Senate and is now on the House concurrence calendar since there was an amendment made in the Senate. This is a short process. The bill will be brought up on the House floor again and the amendment explained. The House will then vote as to whether or not they are okay with the changes made in the bill. We don't anticipate any problems. It should be in the enrollment process by next week's update.

HB 257, Mandatory Child Protection Service Requirements—This bill is done and is in the enrollment process.

HB 269, Amendments to Concurrent Jurisdiction in Adoption Cases—This bill passed the House and is now in the Senate Rules Committee for assignment to a Standing Committee.

HB 285, Parental Rights in Juvenile Court—NO TEXT.

HB 309, Educational Neglect Amendments—This bill has been sent to a House Education Standing Committee.

HB 387, Narrowing Grounds for Removal of a Child from the Home—This bill is the "spanking bill." This bill has passed the House and is now in the Senate Rules Committee for assignment to a Senate Standing Committee.

A new bill we haven't seen until this week:

SB 222, Notification by Family Services of Noncustodial Parent of Child's Removal, Senator P. Hellewell—This bill requires the Division to notify the noncustodial parent when a child is removed from the custody of the custodial parent. This should already be done currently but we will probably have to make greater efforts to find that noncustodial parent right away. This bill is in the Senate Rules Committee.

That's it for this week. We have a week and a half left in the session. We had five bills that were ours when we began. Three are through the process and on their way for the Governor's signature. The remaining two are just about half way through and have only the House left to pass through. Hopefully they will be done by the end of next week!

Weekly Updates on Our Web Site

By Carol Miller

Due to popular demand, every edition of the Division's Weekly Update can now be accessed on our web site! Simply go to <http://www.hsdcs.state.ut.us/> and click on the "Newsletter" tab in the table. A page will display that lists all Weekly Updates by date. You may then click on any of the dates to access that particular update.

Please note that you must have Adobe Acrobat Reader loaded on your computer in order to display the updates. You can download a free copy of this software by logging on to <http://www.adobe.com/products/acrobat/readstep.html>. Once there, scroll

down and click on the option "Get Acrobat Reader" (which appears in red) and follow the simple directions.

We will continue to send the updates via e-mail for the time being. However, it is our hope that having this access to the Weekly Updates will assist you in locating any edition of the update. We would love to hear your thoughts about this way of accessing the updates, so please send any comments or suggestions to me via e-mail at cmiller@hs.state.ut.us). Thank you for your continued support!

Practice Model Questions and Answers

By Midge Delavan

Answers to last week's questions:

1. The facilitator for the child and family team may be the caseworker or someone from whom the caseworker requests assistance. If another agency is the lead on a case, the caseworker may agree to co-facilitate or have that agency's case manager facilitate the team. The caseworker would still work on aspects of facilitation other than leading the meetings.
2. The child would be the focus of the child and family team.

New questions:

1. What is an example of a need that a family might have?
2. What is an example of a service that a family might receive?

To Make Your Life Easier...Using SAFE Optimally

By Robert Lewis

Using SAFE to Update the Home-to-Home Information Packet

Home-to-Home Information Packet is a new name for what used to be called the Out-of-Home Placement Information Record or Traveling Packet. This binder is to be delivered to a child's initial out-of-home caretaker to maintain, then passed to any succeeding caretakers in turn.

SAFE can help to preparing the filler packet for both the initial shelter care version and for any succeeding out-of-home placements. SAFE has been designed to autofill many of the current details on the packet documents. SAFE datafills and prints: TR01, TR02, TR03, TR04, TR05, TR06, TR07, TR08, TR09, TR10, PR100, Youth in Custody Intake Form, and Health data report.

Here are the steps to put SAFE to work in preparing a new set of packet forms:

1. After arranging for the placement, enter details about the placement in the SAFE Placement window. On the second tab in the Placement window, carefully word child contact restrictions and conditions. (This will print out on the TR02.) Save in "Final" status.

2. Call up the Print Travel Packet window, by RMB with the case highlighted in Case List or while in the Case window or through Document Index for the case. (Soon, this window will pop-up automatically once a placement change is finalized.)
3. Check the documents you need to print, then click on "Print."
4. Get signatures on the Foster Placement Verification Letter (TR01) or Shelter Placement Verification Letter (TR07), School Enrollment letter (TR05), WIC Program Letter (TR09), and Youth in Custody Intake Information form, as needed.
5. Insert the new materials in the appropriate Section folder.
6. Make the packet delivery.

We would like more feedback on how to improve SAFE support for generating documents for the home-to-home information packet. Should we add more forms to the Print Travel Pack window (such as the PR forms)? Is there a more helpful format for the window? Are there forms where added datafill by SAFE would make the process faster and more efficient? Do any of the forms need improvements in their design?

Send me an e-mail if you have suggestions.

For general comments, suggestions, or questions about the weekly updates, e-mail Carol Miller or call 801-538-4451.

For questions about policy or rules, e-mail Steve Bradford or call 801-538-8210.

For questions about SAFE, call the SAFE Help Desk at 801-538-4141.